



DEPARTMENT OF TRANSPORTATION
MATERIALS TRANSPORTATION BUREAU
WASHINGTON, D.C. 20590

49939

Research and Special Programs
Administration

49 CFR Part 172

[Docket No. HM-169; Amdt. No. 172-60]

Labeling of Radioactive Materials
Packages

AGENCY: Materials Transportation
Bureau, Research and Special Programs
Administration, DOT

ACTION: Final rule.

SUMMARY: This amendment permits the optional use of radioactive materials labels required by the International Atomic Energy Agency (IAEA) in its standards for the safe transport of radioactive materials in place of the labels presently required in Subpart E to Part 172. The option to use either the IAEA labels or the labels presently prescribed in Subpart E to Part 172 is exercised until July 1, 1983, at which time the use of the present labels will terminate and the new labels will become mandatory.

EFFECTIVE DATE: This amendment is effective on November 20, 1980.

However, compliance with the regulations as amended herein, is authorized immediately.

FOR FURTHER INFORMATION CONTACT:
R. R. Rawl, Office of Hazardous
Materials Regulation, 400 Seventh
Street, S.W., Washington, D.C. 20590
(202-426-2311).

SUPPLEMENTARY INFORMATION: On January 8, 1979, the Materials Transportation Bureau (MTB) published a notice of proposed rulemaking, Docket HM-169; Notice No. 79-1 (44 FR 1852) which proposed an extensive revision of the Hazardous Materials Regulations (HMR) concerning radioactive materials. The intent of MTB under Docket HM-169 is to make the HMR more compatible with the latest revised international standards promulgated by the IAEA in its "Regulations for the Safe Transport of Radioactive Materials, Safety Series No. 6." Included in Notice 79-1 is a proposal which would require labels adopted by the IAEA on October 16, 1977. Immediate action on

the proposal concerning IAEA labels is being taken to lessen the impact caused by the incorporation of the revised IAEA labels in international standards one of which became mandatory on December 1, 1979. In order to provide relief for a situation which threatens to unnecessarily detain shipments of radioactive materials, the MTB is revising its labels to comply with those adopted by IAEA and authorize their use immediately. However, mandatory compliance will not be required until July 1, 1983. In the interim period, labeling of packages with either the presently required labels, or the newly adopted international labels is at the option of the shipper.

Comments received in response to the proposed regulations dealing with the new labels came from four sources. The most significant comment was the suggestion that a two year period be granted to allow for present stocks to be depleted and new labels to be procured. Three years are provided by this amendment.

Using the IAEA terminology (i.e. "Category III—Yellow label" rather than the DOT's "Radioactive Yellow—III label") was suggested by another commenter to be more appropriate in meeting our objective of regulatory compatibility. While either term would suffice, it is believed that the word, "radioactive" more distinctly identifies the various labels to be used.

Another commenter apparently unaware of the IAEA's adoption of these revised labels in 1977 objected to any change in labeling which would vary from the international standards. As this amendment would remove differences rather than create them, the concerns addressed by this commenter would appear to be satisfied.

In consideration of the foregoing, 49 CFR Part 172 is amended as follows:

**PART 172—HAZARDOUS MATERIALS
TABLE AND HAZARDOUS MATERIALS
COMMUNICATIONS REGULATIONS**

1. In § 172.403 paragraph (h) is added to read as follows:

§ 172.403 Radioactive material.

(h) Radioactive materials labels required by the regulations in effect prior to November 20, 1980, may continue to be used until July 1, 1983.

2. In § 172.436 paragraph (a) the comma following "label" is deleted and the label is changed as follows:

§ 172.436 Radioactive White—label.

(a) * * *



3. In § 172.438 paragraph (a) the comma following "label" is deleted and the label is changed as follows:

§ 172.438 Radioactive Yellow—II label.

(a) * * *



4. In § 172.440 paragraph (a) the label is changed as follows:

§ 172.440 Radioactive Yellow—III label.

(a) * * *



Authority: 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1.

Note.—The Materials Transportation Bureau has determined that this document will not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and environmental assessment are available for review in the docket.

Issued in Washington, D.C. on July 18, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80-22428 Filed 7-25-80; 8:45 am]

BILLING CODE 4910-60-M

Federal Register / Vol. 45, No. 146 / Monday, July 28, 1980

U.S. DEPARTMENT OF TRANSPORTATION
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
WASHINGTON, D.C. 20590

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEES PAID
RESEARCH AND SPECIAL PROGRAMS
ADMINISTRATION

DOT 513

FIRST CLASS

